

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

IN RE:)	
)	Case No. : 12-02863-lmj11
MARK KIMBLE)	
)	
)	
)	MOTION FOR ORDER, PURSUANT TO
)	FEDERAL RULE OF BANKRUPTCY
)	PROCEDURE 2004, DIRECTING
)	CLAIMANT TO APPEAR FOR
)	EXAMINATION AND FOR PRODUCTION
)	OF DOCUMENTS
)	
Debtor)	
)	

COMES NOW the Debtor, Mark Kimble, by and through his attorney, and hereby moves the Court to enter an Order, pursuant to Rule 2004 of the Federal Rules of Bankruptcy, that J.P. Morgan Chase Bank (hereinafter "Chase") be directed to designate an officer, agent, or other person to appear for examination with respect to its claim in this matter, and to produce the documents requested below. In support of this motion, Debtor states as follows:

1. Debtor filed a petition for relief under Chapter 13 of the Bankruptcy Code on September 10, 2012.
2. Chase purports to be the current holder or servicer of the mortgage on the Debtor's home.
3. Notice of the Debtor's bankruptcy filing was sent by facsimile to Chase's attorney of record, Mark Walz of Davis Brown Koehn, on September 11, 2012.
4. Notice of the Debtor's bankruptcy filing was also sent by the U.S. Bankruptcy Noticing Center on or about September 12, 2012 to Chase and its attorney of record.
5. On October 1, 2012, Debtor sent payment in the amount of \$955.48 to Chase in payment of his first mortgage. Chase returned the payment on October 4, 2012.

6. On October 31, 2012 Debtor again sent payment in the amount of \$955.48 to Chase in payment of his first mortgage.
7. On or about November 2, 2012 Chase sent a letter to Debtor's Counsel acknowledging that Debtor was in bankruptcy and providing an address to which payments should be sent.
8. On November 5, 2012 Chase returned the payment Debtor had sent on October 31, 2012.
9. On November 16, 2012 Debtor sent payment in the amount of \$1910.96 to Chase at the address designated by Chase in its letter of November 2, 2012.
10. On November 19, 2012 Chase returned the payment.
11. On December 6, 2012 Debtor sent payment in the amount of \$2866.44 to Chase at the address designated by Chase in its letter of November 2, 2012.
12. On December 11, 2012 Chase returned the payment.
13. On January 10, 2013 Debtor sent payment in the amount of \$3821.92 to Chase at the address designated by Chase in its letter of November 2, 2012.
14. On January 11, Chase returned the payment.
15. All payments made by Debtor since the filing of his bankruptcy to Chase Mortgage on his second mortgage have been accepted without incident.
16. It is necessary to examine a representative of Chase to obtain an explanation of and documents related to its claim against the Debtor, as well as to investigate the acts and conduct of Chase.
17. The Debtor hereby requests the Court order Chase to produce to the undersigned counsel within the next 21 days the following documents:

- (a) All documents that relate to or constitute a file maintained by Chase with respect to the first mortgage and/or note signed by the Debtor, including, but not limited to, any account statements, correspondence, and other information with respect to the Debtor's mortgage.
- (b) Documents evidencing the application of each payment the Debtor has made on his mortgage and/or loan.
- (c) Documents evidencing each assessment of interest, fees and/or other charges on the Debtor's mortgage account.
- (d) Documents identifying all calculations used to determine the amount of any fees and/or other charges assessed, imposed or charged to the Debtor's mortgage account to protect its security interest as a mortgagee.
- (e) Documents identifying all calculations used to determine the amount of any bankruptcy related fees charged to Debtor.

WHEREFORE, the Debtor requests that this motion be granted and for such other relief as the Court deems just and equitable.

Date: January 23, 2013

/s/Nancy L. Thompson
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ATTORNEY FOR DEBTOR

CERTIFICATE OF SERVICE

By signing below, the attorney certifies that on January 23, 2013 the above Motion for an Order Pursuant to Federal Rule of Bankruptcy Procedure 2004 was filed electronically in the United States Bankruptcy Court for the Southern District of Iowa with parties to receive notice either electronically or by U.S. Mail.

/s/Nancy L. Thompson

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